

# Notice of Allowability

Application No.

09/669,057

Examiner

JAGDISH PATEL

Applicant(s)

BRUMBERG, BRUCE

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/16/07.
2. ☒ The allowed claim(s) is/are 20-22 and 26-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

1. This communication is in response to amendment filed 11/16/07.

***Response to Amendment***

2. Claim 20 has been amended.
3. Claim 20-22 and 26-29 have been allowed.

***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

The claimed invention pertains to a system for informing a holder of stock options, restricted stock, and participants in employee stock purchase plans as to the worth, value, or status of their company options and stock holdings.

Based on the prior art search, the examiner has identified Shultz (US 2001/0056391) as the closest prior art. However, the applicant has sworn behind the Schultz reference in declaration filed under Rule 131 on 6/22/2004. (Refer also to the applicant's detailed discussion in the amendment response filed 11/19/2004, in support of the declaration showing the diligence). Therefore Schultz is in effective against the allowed claims subject matter.

Prior, Chris (Treasury & Risk Management; Aug99, Vol. 9 Issue 6, p64, 2p) deemed closest prior art teaches a system for providing access to stock options management software (as of Aug 1999), which enable individual employees to monitor the stock option plan and help them “gauge the value of their options and assist them in selling their shares and keeping their records straight”. Furthermore, Prior teaches existence of “a variety of Internet-based products” that facilitates administration of the employee stock option plans.

However, Prior fails to teach or render obvious the claimed Internet-based Comparison Tool (i.e. a method) for providing an employee of company to analyze whether to exercise a vested stock option now or at another “as of” date at or before the term, with the proceed being used to fund an alternative investment vehicle, or to wait until at or close to the end of the term of an option grant to exercise that option which comprises calculating at the server overall gain based on stored information in a server about the individual's stock option plan relative to a company stock, including for each grant the exercise price, the present stock price, vesting schedule and term of the option grant stored and inputted information at the server including projected annual percentage increase in an alternative investment value and a projected annual percentage company stock price, taking into account the selected “as of” exercise dates, the projected annual percentage increase for the company stock price and the inputted projected annual increase in value for the alternative investment for the two cases of (1) exercising the a vested stock option within the stock option term, setting a first “as of” date at or close to the present date and (2) waiting to exercise the vested stock option at a second date at or closer to the end of the term of the stock option.

Application/Control Number:  
09/669,057  
Art Unit: 3693

Page 4

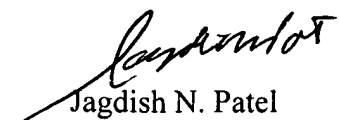
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

12/18/07